

REMARKS

Claims 16, 18, 21-26, and 32-48 are pending in the application and stand rejected.

Claims 37-48 have been canceled herein to remove non-elected aspects of the invention. Claim 35 has been amended to correct a misspelling. The sole independent claim, claim 16, has been amended to specify that the composition comprises a therapeutic agent and that the therapeutic agent consists of one or more GM-CSF. Support for this amendment can be found in the specification at, e.g., paragraphs 40-41 of the published application, US 2008-0038222. No new matter has been added.

Applicant respectfully requests entry of the above amendments, which raise no new issues that would require further search and/or consideration, and which place the application in better condition for allowance or appeal.

In the light of the above claim amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of claims 16, 18, 21-26 and 32-36.

Rejection Under 35 U.S.C. § 102

The Examiner rejected claims 16, 18, 21-26, and 36 under 35 U.S.C. § 102(e) as anticipated by Erickson-Miller et al. (U.S. Pub No. 2007/0105824) (hereinafter “Erickson-Miller”). Without acquiescing to the rejection and in an effort to advance prosecution, Applicant submits the above claim amendments and respectfully traverses.

Erickson-Miller teaches the co-administration of GM-CSF with a non-peptide TPO agonist for situations involving mobilizing hematopoietic cells and cells expressing TPO receptors. Applicant’s independent claim 16, as amended above, recites local administration by injection to a mammal suffering from periodontal disease of a composition comprising a therapeutic agent. The therapeutic agent consists of at least one GM-CSF polypeptide. The transitional phrase “consisting of” serves to limit the scope of the therapeutic agent to the recited one or more GM-CSF polypeptides. Since Erickson-Miller does not teach the use of a

composition that has GM-CSF alone as the therapeutic agent affecting periodontal disease, the reference does not anticipate amended claim 16.

Rejection Under 35 U.S.C. § 103

The Examiner rejected the claims 21 and 32-35 as being unpatentable under 35 U.S.C. § 103(a) over Erickson-Miller in view of O'Uchi et al. (U.S. Patent No. 6,682,718) (hereinafter "O'Uchi"). Applicants respectfully traverse.

O'Uchi teaches the treatment of periodontitis by the topical injection of bisphosphonates into periodontal tissues. Erickson-Miller teaches that non-peptide TPO receptor agonists can be used with bisphosphonates in the treatment of periodontal disease. O'Uchi does not teach the use of GM-CSF. Erickson-Miller does not teach the use of a composition that has only GM-CSF as the therapeutic agent for periodontal disease. By suggesting the use of non-peptide TPO receptor agonists and bisphosphonates for the treatment of a periodontal disease, the combination of Erickson-Miller and O'Uchi does not teach or fairly suggest the use of GM-CSF alone as the therapeutic agent for treating periodontal disease. For this reason, and reasons of record, Applicant respectfully requests withdrawal of the rejection of claims 21 and 32-35 under § 103 over Erickson-Miller in view of O'Uchi.

CONCLUSION

In light of the above, Applicant respectfully submits that the present claims are in condition for allowance, which action is requested. If the Examiner feels that it would further prosecution or expedite allowance of the present case, he is invited to telephone the undersigned at 612-337-2506.

No fees are believed to be due. Please apply any charges or credits to deposit account 06-1050.

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Respectfully submitted,

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